

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**PAUL E. ALLEN and PENNY L. ALLEN,**

**Plaintiffs,**

**v.**

**6:05-CV-104  
(FJS/GJD)**

**MED REV RECOVERIES, INC.,**

**Defendant.**

---

**APPEARANCES**

**OF COUNSEL**

**PAUL E. ALLEN**

North Bay, New York 13123

Plaintiff *pro se*

**PENNY L. ALLEN**

North Bay, New York 13123

Plaintiff *pro se*

**BOND, SCHOENECK & KING, PLLC**

One Lincoln Center

Syracuse, New York 13202-1355

Attorneys for Defendant

**DAVID A. EGHIGIAN, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

Currently before the Court is Magistrate Judge Di Bianco's March 16, 2006 Report-Recommendation, in which he recommended that the Court grant Defendant's motion pursuant to Rule 37(d) of the Federal Rules of Civil Procedure to dismiss Plaintiffs' complaint with prejudice because Plaintiffs failed to participate in discovery and failed to obey two court orders to appear for conferences and that the Court deny Defendant's motion for an award of monetary sanctions. *See* Report-Recommendation at 8.

Neither Plaintiffs nor Defendant filed any objections to these recommendations. Having reviewed the Report-Recommendation and in light of Plaintiffs' continued failure to comply with the Court's Orders and to respond to Defendant's discovery requests, the Court hereby

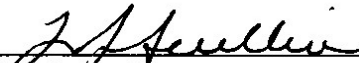
**ORDERS** that Magistrate Judge Di Bianco's March 16, 2006 Report-Recommendation is **ADOPTED** in its entirety; and the Court further

**ORDERS** that Defendant's motion to dismiss Plaintiffs' complaint pursuant to Rule 37(d) of the Federal Rules of Civil Procedure is **GRANTED** and Plaintiffs' complaint is **DISMISSED WITH PREJUDICE**; and the Court further

**ORDERS** that Defendant's motion for monetary sanctions pursuant to Rule 37(d) of the Federal Rules of Civil Procedure is **DENIED**.

**IT IS SO ORDERED.**

Dated: February 1, 2007  
Syracuse, New York

  
\_\_\_\_\_  
Frederick J. Scullin, Jr.  
Senior United States District Court Judge